

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**THE STATE OF MISSISSIPPI EX REL.
JIM HOOD, ATTORNEY GENERAL
FOR THE STATE OF MISSISSIPPI**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:08cv780-CWR-LRA

ENTERGY MISSISSIPPI, INC., ET AL

DEFENDANTS

ORDER

The undersigned conducted a telephonic conference on May 3, 2018, wherein Defendants requested a protective order regarding five different topics in Plaintiff's 30(b)(6) notices (225 & 226). No motions were filed, and the parties presented only oral argument on the issues in controversy. All the issues were resolved on four of the objections, and the Court ordered briefing on the remaining issue. As directed, both sides filed simultaneous Memoranda on May 7th. The depositions commence tomorrow, May 9, 2018, (in The Woodlands, Texas) and continue on May 10th (New Orleans, Louisiana) and May 11th (in Jackson, Mississippi).

The issue is whether Plaintiff may depose Defendants on the Topic III. 5: "[d]rafting and lobbying efforts regarding SB 2295." The Court finds that discovery on the topic should proceed. Any issues regarding admissibility may be considered by the District Judge via motions *in limine*. Defendants have requested and obtained additional pages to present this topic in their dispositive motions. They seek to have SB 2295 applied retroactively and consider it to be of critical importance in this case. Under these

circumstances, the discovery is relevant to the claims and defenses to be heard. Whether or not the Noerr-Pennington immunity applies or whether the evidence obtained is otherwise admissible may be considered by the District Judge at a later date, with full and appropriate briefing.

IT IS, THEREFORE, ORDERED that Defendants' request for a protective order regarding Topic III.5 is **denied**.

SO ORDERED, this the 8th day of May 2018.

/s/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE